

TOWN OF SEARSPORT

ABANDONED BUILDINGS

ORDINANCE

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Section I. Purpose

A. Vacant or abandoned properties, particularly residential properties, create and pose significant and costly problems for the Town. These properties often become a drain on the Town budget and detract from the quality of life of a neighborhood and the Town as a whole. Vacant or abandoned buildings are an impediment to neighborhood redevelopment and rehabilitation, decrease property values, and prevent neighborhood stabilization. These structures are unsightly, often structurally unsound or otherwise dangerous, attract criminal activity, and otherwise create a threat to public health, safety, and welfare of neighboring properties and the general public.

B. A significant obstacle in providing effective and prompt enforcement of Town ordinances or other applicable laws as they relate to a property owner's responsibilities, as they relate to vacant or abandoned buildings, is the inability to contact the owners of abandoned properties. These buildings are often also the subjects of foreclosure actions by lien holders, which take considerable time to resolve.

C. Certain categories of vacant or abandoned properties, such as homes of seasonal residents or members of the armed forces on active duty deployment, are less likely to cause problems and Town costs and are not of concern in this Ordinance.

D. The purpose of this ordinance is to provide a just, equitable and practicable method for identifying, managing and responding to the numerous issues associated with vacant or abandoned buildings. This ordinance is intended to prevent or mitigate dangers to health, safety and welfare, promote responsible management, provide a safe neighborhood for residents, safeguard property values, expedite housing repairs, and provide for prompt contact with owners or managers by Police, Fire, and Code Enforcement when issues or emergencies develop.

Section II. Definitions

A. If a term is not defined in this ordinance or the Land Use Ordinance it shall have its customary dictionary meaning.

B. For the purpose of interpreting this chapter, the following terms, phrases, words and their derivations shall have following meanings:

OWNER shall mean any person, agent, firm, corporation or other legal entity having a legal or equitable interest in a vacant or abandoned building, including but not limited to a mortgagee in possession, the beneficiary of a trust, or the holder of a life estate.

PROPERTY MANAGER shall mean a Maine-based entity, corporation, or individual or the designee of the owner that is responsible for maintaining, securing, and inspecting vacant or abandoned buildings.

VACANT OR ABANDONED BUILDING shall mean any building or other structure that is unoccupied and unmaintained by a person or occupied by unauthorized persons for 90 days, except garages or accessory buildings. Parties identified in Section I.C are not included in this definition.

Section III. Applicability

A. This ordinance applies to all vacant or abandoned buildings located within the Town of Searsport.

B. Notwithstanding any portion of this Ordinance, this Ordinance does not apply to primary residences of members of the armed forces on active duty, vacation or resort facilities, or residences of persons on extended vacations or alternative living arrangements with the intention to make use of the property.

Section IV. Registration required

A. The owner of a vacant or abandoned building must obtain a vacant or abandoned building registration permit for the period during which it is vacant.

B. When a building or structure becomes vacant or abandoned as defined in this Ordinance, the owner of the building must apply for and obtain a vacant building registration permit and pay any fee within 90 days of the building becoming vacant.

C. Standard vacant building registration permit.

(1) The Code Enforcement Officer shall issue a standard vacant or abandoned building registration permit upon being satisfied that the building has been inspected and is in compliance with the vacant building maintenance standards set forth in this ordinance.

(2) A standard vacant or abandoned building registration permit is valid for 1 year from the date of approval.

(3) The Code Enforcement Office, upon issuance of any permit in this ordinance, shall provide a copy of the permit to the Chief of Police, Fire Chief and Town's Health Officer(s).

D. Interim vacant or abandoned building inspection permit.

(1) If a vacant or abandoned building is inspected and determined not to meet one or more of the maintenance standards in this Ordinance, the Code Enforcement Officer shall issue an order for any work needed to bring the property into compliance with this Ordinance.

(2) When issuing orders under Subsection D(1), the Code Enforcement Officer shall specify the time for completion of the work. The order will act as an interim vacant or abandoned building registration permit, the duration of which will be for the time set forth in the order. No interim registration permit may be effective for a period of more than 6 months.

(3) All work done pursuant to this ordinance must be done in compliance with the applicable building, fire prevention, life safety, and zoning codes.

E. Upon the expiration of a vacant or abandoned building registration permit, if the building or structure is still vacant or abandoned, the owner must arrange for an inspection of the building and premises with the appropriate Code Enforcement Officer, Police and Fire Officials, and renew the permit within 10 days of expiration. All permit renewals shall be subject to all conditions and obligations imposed by this Ordinance and any previous permits unless expressly exempted.

Section V. Permit application

A. Application by the owner of a vacant building or structure for a vacant building registration permit must be made on a form provided by the Code Enforcement Officer. Applicants must disclose all measures to be taken to ensure that the building will be kept weather tight and secure from trespassers, safe for entry of police officers and firefighters in times of exigent circumstances or emergency, and together with its premises be free from nuisance and in good order in conformance with vacant building maintenance standards, and other codes adopted by the Town of Searsport.

B. The application shall include a "statement of intent." The statement of intent shall include information as to the expected period of vacancy (including the date of vacancy), the plan for regular maintenance during the vacancy to comply with the maintenance safety requirements of this subsection, and a plan and timeline for the lawful occupancy, rehabilitation, or removal or demolition of the structure.

C. The application shall include a list of persons authorized to be present in the building, along with a statement that any persons not listed shall be considered trespassers. The owner shall update the authorized person list as needed.

D. Contact information. The application shall include the following:

(1) The name, street address, telephone number, and e-mail address of an individual designated by the owner or owners of the vacant or abandoned building as their authorized agent for receiving notices of code violations and for receiving process in any court proceeding or administrative enforcement proceeding in connection with the enforcement of this Ordinance regarding the vacant building.

(2) The name of any property manager responsible for management and maintenance of the property, along with their twenty-four-hour-a-day contact information.

- (3) The name of any bank/lender/lien holder with an interest in the property and its contact information, including the mailing address of the bank/lender/lien holder.
- (4) If any contact information required under this subsection changes or becomes out-of-date, the owner must notify the Code Enforcement Officer in writing within 30 days of such change.

E. A fee, as established by the Board of Selectmen may be charged for a vacant building registration permit or interim permit. No fee shall also be charged upon the renewal of such permits. A fee must be paid at the time of application. No permit shall be issued prior to payment of the permit. If an owner has secured all the duly required permits to demolish the building or structure, no fee is required if the building or structure is in fact demolished within 90 days of becoming vacant; should this 90 day period expire, a fee becomes due immediately.

Section VI. Inspection

A. Upon and at the time of application, the owner of a vacant building or structure shall arrange for an inspection of the premises by the Code Enforcement Officer. The purpose of such inspections is to determine and ensure compliance with vacant building maintenance standards. The Code Enforcement Officer may bring Fire Officials on the inspection.

Section VII. Maintenance standards

An owner of a vacant building must adequately protect it from intrusion by trespassers and from deterioration by the weather. A vacant building shall be deemed adequately protected from intrusion by trespassers and from deterioration by the weather if it satisfies the following vacant building maintenance standards:

- A. Building openings. Doors, windows, areaways and other openings must be weather tight and secured against entry by birds, vermin and trespassers. Missing or broken doors, windows and other such openings must be covered by glass or other rigid materials which are weather protected and tightly fitted and secured to the opening.
- B. Roofs. The roof and flashings shall appear to be structurally sound and tight.
- C. Drainage. Any building storm drainage system shall be functional and installed in an approved manner, and allow discharge in an approved manner.

D. Public Health. The building and premises shall be free from debris, rubbish, garbage, excessive vegetation, including but not limited to any combustible waste and refuse and the building shall be sanitary.

E. Structural members. The structural members shall be free of deterioration and capable of safely bearing imposed dead and live loads.

F. Foundation walls. The foundation walls shall be structurally sound so as not to pose a threat to public health and safety and shall be capable of supporting the load which normal use may cause to be placed thereon.

G. Exterior walls. The exterior walls shall be free of holes, breaks, and loose or rotting materials. Exposed metal, wood, or other surfaces shall be protected from the elements and against decay or rust.

I. Overhanging extensions. All balconies, canopies, marquees, signs, metal awnings, stairways, fire escapes, standpipes, exhaust ducts and similar features shall be in good repair, anchored, safe and sound.

J. Chimneys and towers. Chimneys, cooling towers, smokestacks, and similar appurtenances shall be structurally safe and in good repair.

K. Walkways. Walkways shall be safe for pedestrian travel.

L. Accessory and appurtenant structures. Accessory and appurtenant structures such as garages, sheds, and fences shall be free from safety, health, and fire hazards and shall comply with these vacant building maintenance standards.

M. The owner of a vacant building or structure must comply with all building, fire, life safety, zoning, and other applicable codes or ordinances and must apply for any building, fire prevention, and zoning permits necessary to perform work required by this ordinance. A sole failure to comply with these standards shall not be grounds for a work order or denial of an application if the other standards of this Ordinance are met.

Section VIII. Violations and Penalties

Any person who is found to be in violation of any provision or requirement of this ordinance shall be subject to a civil penalty as set forth in 30-A M.R.S.A. § 4452. Each violation of a separate provision or requirement, and each day of violation, shall constitute a separate offense.

Section XIV. Effective Date

This ordinance was adopted at Town Meeting on March 7, 2015.

This is a true and attested copy by: Deborah Plourde
Deborah Plourde, Town Clerk